

A Chronological History of Federal Fleet Actions and Mandates

1988

Alternative Motor Fuels Act of 1988

(AMFA; Pub. L. 100-494; codified at 42 U.S.C. §§ 6374-6374d)

Current status:¹ In effect as amended—see EPLA 1992; EPLA 2005; EISA

Federal fleet requirements: AMFA required the U.S. Department of Energy (DOE), beginning in fiscal year (FY) 1990, to ensure that “the maximum number practicable of the passenger automobiles and light duty trucks acquired annually for use by the Federal government [are] alcohol powered vehicles, dual energy vehicles, natural gas powered vehicles, or natural gas dual energy vehicles.” AMFA also required Federal agencies to make alcohol or natural gas available to the public, “[t]o the extent practicable, at locations where vehicles acquired under [AMFA] are supplied with alcohol or natural gas...”²

Actions: DOE evaluated the AMFA-referenced vehicles in terms of their performance, emissions, and operation and maintenance.

1990

Clean Air Act Amendments of 1990

(CAA; Pub. L. 101-549; codified at 42 U.S.C. § 7401 et seq.)

Current status: In effect

Federal fleet requirements: The 1990 amendments revised Title II of CAA by mandating that all covered fleets meet State Implementation Plan requirements for the purchase of clean-fuel fleet vehicles under the Clean-fuel Fleet Vehicle Program (CAA section 246, codified at 42 U.S.C. § 7586).

1991

Executive Order 12759

(April 17, 1991; 56 FR 16257)

Current status: Revoked in 1994 (see Executive Order [E.O.] 12902, revoking section 11 of E.O. 12759) and 1999 (see E.O. 13123, revoking the remainder of E.O. 12759)

1992

Federal fleet requirements: Section 11 of E.O. 12759 (“Federal Energy Management”) directed DOE to ensure that “the maximum number practicable of vehicles acquired annually” by the Federal fleet were alternative fuel vehicles (AFVs) as required by AMFA. Section 10 of E.O. 12759 also mandated that each agency operating 300 or more motor vehicles develop a plan to reduce petroleum consumption by at least 10 percent by 1995 as compared to FY 1991, and tasked the U.S. General Services Administration (GSA) and DOE with issuing guidance to assist agencies in meeting that goal.

Actions: DOE (along with GSA) developed guidance for agencies, and coordinated the evaluation of agency plans. DOE also provided data and training to agencies and worked with GSA to procure vehicles, as well as to provide guidance on the conversion of existing vehicles.

Energy Policy Act of 1992

(EPLA 1992; Pub. L. 102-486; codified at 42 U.S.C. § 13211 et seq.)

Current status: In effect as amended—see ECRA; EPLA 2005; EISA; NDAA 2008

Federal fleet requirements: Under section 303(b) of EPLA 1992 (codified at 42 U.S.C. § 13212(b)), AFVs must comprise at least 75 percent of the total number of light-duty motor vehicles acquired in any fiscal year (after FY 1999) by a Federal fleet for use in a metropolitan statistical area (MSA) or consolidated MSA with a 1980 Census population of more than 250,000. Pursuant to section 304 of EPLA 1992 (codified at 42 U.S.C. § 13213), Federal agencies must, “to the maximum extent practicable, arrange for the fueling of AFVs acquired under section 303 at commercial fueling facilities that offer alternative fuels for sale to the public.”

In addition, EPLA 1992 called for DOE to provide information and technical resources to support the efforts of Federal agencies and consumers (sections 305 and 405).

Actions: DOE expanded the Alternative Fuels and Advanced Vehicles Data Center (AFDC) to include a wide range of information useful to Federal and other fleets, including available vehicles, alternative fuel station locations, relevant incentives and regulations, industry resources, and success stories.

Executive Order 12844

(April 21, 1993; 58 FR 21885)

Current status: Superseded by E.O. 13031

Federal fleet requirements: E.O. 12844 (“Federal Use of Alternative Fueled Vehicles”) required agencies to adopt “aggressive plans to substantially exceed” the AFV-acquisition requirements established under section 303(b) of EPL 1992, and to report annually to DOE on their actions and progress under the Executive Order (sections 1 and 6). DOE was tasked with preparing a consolidated annual report to the President and Congress on implementation of the Executive Order.

Executive Order 13031

(December 13, 1996; 61 FR 66529)

Current status: Revoked by E.O. 13149

Federal fleet requirements: E.O. 13031 (“Federal Alternative Fueled Vehicle Leadership”) required agencies to “develop and implement aggressive plans to fulfill” the AFV-acquisition requirements established under section 303(b) of EPL 1992, and to submit annual reports to the Office of Management and Budget (OMB), DOE, and GSA on compliance with EPL 1992 (sections 1 and 2). Section 5 of E.O. 13031 established AFV credit allocations for medium- and heavy-duty dedicated AFVs and zero-emissions vehicles.

Actions: Agencies began submitting compliance reports to DOE; see the Federal Fleet Reporting website for more information at www.femp.energy.gov/regulations/fleet_reporting.html.

Energy Conservation Reauthorization Act of 1998

(ECRA; Pub. L. 105-388)

Current status: In effect as amended—see EPL 2005

Federal fleet requirements: Section 8(a) of ECRA revised section 310 of EPL 1992 (codified at 42 U.S.C. § 13218) by adding a requirement that “each Federal agency which is subject to [EPL 1992] and [E.O.] 13031” submit an annual report on compliance to Congress.³ The annual report must be posted on a publicly available website, and a notice announcing the report’s availability must be published in the *Federal Register*. Section 7 of ECRA, which added section 312 to EPL 1992 (codified at 42 U.S.C. § 13220), directed DOE to allocate biodiesel fuel use credits to EPL 1992-regulated fleets, treat those credits as AFV-acquisition credits, and issue a rule establishing procedures for biodiesel fuel use credits.

Actions: DOE issued an interim final rule on May 19, 1999, and promulgated a final rule on January 11, 2001 (available at www.gpo.gov/fdsys/pkg/FR-2001-01-11/pdf/01-744.pdf), establishing the biodiesel fuel use credit procedures, which allow one AFV-acquisition credit for every 450 gallons of neat (100%) biodiesel, or every 2,250 gallons of B20 used in medium- or heavy-duty diesel vehicles.

Executive Order 13149

(April 21, 2000; 65 FR 24607)

Current status: Revoked by E.O. 13423

Federal fleet requirements: E.O. 13149 (“Greening the Government Through Federal Fleet and Transportation Efficiency”) required agencies operating 20 or more motor vehicles within the United States to reduce their fleet’s annual petroleum consumption by at least 20 percent by the end of FY 2005, compared to an FY 1999 baseline (section 201), and to use alternative fuels to meet a majority of their AFVs’ fuel requirements by the end of FY 2005 (section 202(a)). DOE was required to create a reporting database and to submit an overall Federal report to the President annually. Each agency was directed to designate a senior official with responsibility for the agency’s AFV program and for meeting the requirements of the Executive Order. For purposes of agency annual reports, section 401 of E.O. 13149, similar to section 5 of E.O. 13031, allocated

AFV credits for agency acquisitions of dedicated light-duty AFVs, zero emission vehicles, and dedicated medium- or heavy-duty AFVs. Section 401 also authorized one AFV-acquisition credit for every 450 gallons of neat biodiesel used in diesel vehicles.

Energy Policy Act of 2005

(EPAAct 2005; Pub. L. 109-58)

Current status: In effect

Federal fleet requirements: Section 701 of EPAAct 2005 amended the operating requirement in 42 U.S.C. section 6374(a)(3)(E) to require that dual fueled vehicles use alternative fuel 100 percent of the time unless the agency receives a waiver from DOE due to alternative fuel unavailability or the unreasonable expense of the alternative fuel. Each year, DOE must submit a report to Congress on compliance with this provision. In addition, section 705 of EPAAct 2005 modified the annual reporting requirement that ECRA had added to section 310(b) of EPAAct 1992, such that Federal agencies' annual reports to Congress on EPAAct compliance were due on February 15, 2006, and annually thereafter until 2020.

Actions: DOE developed procedures and published guidance for implementing section 701; that guidance now appears in DOE's "Comprehensive Federal Fleet Management Handbook," available at www.femp.energy.gov/pdfs/eo13514_fleethandbook.pdf (see E.O. 13514 below). Federal agencies submit annual waiver requests, which DOE then evaluates and approves or disapproves. DOE's 2006 and 2007 annual reports to Congress under section 701 of EPAAct 2005 are included in the annual reports that are available at www.femp.energy.gov/regulations/fleet_reporting.html. The 2008 report and beyond are separate reports.

OMB Scorecards

(Implemented 2005)

Current status: OMB continues to issue scorecards twice a year; see www.fedcenter.gov/programs/eo13423/

Federal fleet requirements: Agencies must submit planned petroleum reduction initiatives to OMB twice annually and meet OMB's established scorecard metrics. Summaries of performance may be viewed at www.fedcenter.gov/programs/eo13423/#regs.

2007

Executive Order 13423

(January 24, 2007; 72 FR 3919)⁴

Current status: In effect⁵

Federal fleet requirements: Under E.O. 13423 ("Strengthening Federal Environmental, Energy, and Transportation Management"), agencies that operate a fleet of at least 20 motor vehicles must, relative to an FY 2005 baseline: (i) reduce the fleet's petroleum consumption by two percent annually through the end of FY 2015; and (ii) increase the fleet's non-petroleum-based (i.e., alternative) fuel use by 10 percent annually. Agencies must also use plug-in hybrid electric vehicles (PHEVs) when they are commercially available at a cost reasonably comparable to non-PHEVs.

Actions: The Council on Environmental Quality (CEQ) published a guidance document ("Instructions for Implementing [E.O.] 13423," available at www.fedcenter.gov/kd/Items/actions.cfm?action=Show&item_id=6825&destination=ShowItem) in March 2007, and the Inter-agency Committee on Alternative Fuels and Low Emission Vehicles (INTERFUEL; www.femp.energy.gov/program/fedfleet_interfuel.html) was identified in that guidance as the fleet management "workgroup."

Energy Independence and Security Act of 2007

(EISA; Pub. L. 110-140)

Current status: In effect

Federal fleet requirements: Section 142 of EISA (codified at 42 U.S.C. § 6374e) mandates that Federal agencies: (i) reduce their fleets' annual petroleum consumption; and (ii) increase their fleets' annual alternative fuel consumption. DOE is required to promulgate implementing regulations, which must include "interim numeric milestones to assess annual agency progress" toward achieving the petroleum reduction and alternative fuel increase levels established by Congress.

Under section 246 of EISA (codified at 42 U.S.C. § 17053), Federal agencies must install, by January 1, 2010, "at least 1 renewable fuel pump at each Federal fleet fueling center," and the President must submit a report to Congress by October 31 of each year describing the progress made toward meeting this requirement.

EISA section 141 added a new subsection (f) to section 303 of EPCA 1992, under which Federal agencies are prohibited from acquiring a light-duty motor vehicle or medium-duty passenger vehicle that is not a low greenhouse gas (GHG) emitting vehicle. The U.S. Environmental Protection Agency (EPA) is directed to issue guidance each year “identifying the makes and model numbers” of low GHG emitting vehicles.

Actions: DOE is currently engaged in a rulemaking under section 142. Federal fleets provided the first annual renewable fuel pump location data to DOE in September 2008 as a step toward meeting the EISA section 246 requirement. DOE issued guidance on EISA section 246 (available at www.femp.energy.gov/program/fedfleet_requirements.html), and EPA issued its initial guidance under section 141 on low GHG emitting vehicles in February 2010 (available at www.epa.gov/greenvehicles/download/420B10008.pdf).

National Defense Authorization Act of 2008

(NDAA 2008; Pub. L. 110-181)

Current status: In effect

Federal fleet requirements: Section 2862 of NDAA 2008 amended the EPCA 1992 definition of “alternative fueled vehicle” (found in section 301(3) of EPCA 1992 and codified at 42 U.S.C. § 13211(3)) by adding the following inclusions:

- A new qualified fuel cell motor vehicle (as defined in section 30B(b)(3) of the Internal Revenue Code of 1986 (IRC))
- A new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of the IRC)
- A new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the IRC)
- Any other type of vehicle that the EPA Administrator demonstrates to the Secretary of Energy would achieve a significant reduction in petroleum consumption.

Actions: In a December 12, 2008, letter to DOE, EPA demonstrated that operating a low GHG-emitting vehicle, as defined in EPA’s EISA section 141 guidance, in an area without access to alternative fuel would achieve a significant reduction in petroleum consumption consistent with the fourth inclusion above (see EPA guidance).

Executive Order 13514

(October 5, 2009; 74 FR 52117)⁶

Current status: In effect

Federal fleet requirements: Section 2 of E.O. 13514 (“Federal Leadership in Environmental, Energy, and Economic Performance”) requires agencies to establish GHG reduction targets, and to consider GHG reductions associated with reducing the use of petroleum by: (i) using low GHG emitting vehicles including AFVs; (ii) optimizing the number of vehicles in the agency fleet; and (iii) if the agency operates a fleet of at least 20 motor vehicles, reducing the fleet’s petroleum consumption by at least two percent annually through the end of FY 2020, relative to an FY 2005 baseline. Thus, E.O. 13514 extends the two percent annual petroleum reduction requirement set forth in E.O. 13423 for an additional five years. Section 12 of E.O. 13514 also directs DOE to issue comprehensive guidance on Federal fleet management.

Actions: DOE issued the “Guidance for Federal Agencies on E.O. 13514 Section 12, Federal Fleet Management” in April 2010 (available at www.femp.energy.gov/pdfs/fleetguidance_13514.pdf), and two months later supplemented the guidance by issuing the “Comprehensive Federal Fleet Management Handbook” (available at www.femp.energy.gov/pdfs/eo13514_fleethandbook.pdf).

¹ All “current status” notes are as of January 1, 2011.

² AMFA has been amended several times, including by section 302 of EPCA 1992. Perhaps most important, section 302(a): (i) inserted the term “alternative fueled vehicles” in 42 U.S.C. section 6374(a)(1) in place of “alcohol powered vehicles, dual energy vehicles, natural gas powered vehicles, or natural gas dual energy vehicles”; (ii) directed that the number of AFVs acquired annually cannot be less than the number mandated under section 303 of EPCA 1992; and (iii) added a new requirement in 42 U.S.C. section 6374(a)(3)(E), i.e., that dual fueled vehicles acquired pursuant to AMFA, as amended, had to be operated on alternative fuels unless DOE determined that such was “not feasible.”

³ Section 310 of EPCA 1992 was further amended by section 705 of EPCA 2005.

⁴ Available at <http://edocket.access.gpo.gov/2007/pdf/07-374.pdf>.

⁵ E.O. 13423 has not been revoked, and in fact was codified into law by section 748 of Pub. L. 111-8 (March 11, 2009).

⁶ Available at <http://edocket.access.gpo.gov/2009/pdf/E9-24518.pdf>.